

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ELOUISE PEPION COBELL, et al.,**

**Plaintiffs,**

**v.**

**GALE NORTON, Secretary of the  
Interior, et al.,**

**Defendants.**

**Civil Action Number 96-1285 (RCL)**

**ORDER**

\_\_\_\_\_ Upon consideration of the plaintiffs' motion for a preliminary injunction to protect any individual Indian trust data, the opposition thereto, the reply, and the record herein, the plaintiffs' motion will be DENIED.

The Special Master's Emergency Report Regarding Proposed Relocation of Records to the Lee's Summit Federal Records Center, filed April 17, 2002, documents the slipshod and haphazard way in which the Interior Department continues to carry out its solemn trust responsibilities to the individual Indian plaintiffs in this case. The Court entered, and extended until today, a temporary restraining order at plaintiffs' request, to ensure protection of these trust records.

The Deputy Secretary of Interior has assured the Court that he will "make sure the Special Master is properly and timely informed" about retention and preservation of trust records, and that the Special Master will have "every opportunity to resolve concerns prior to the Department taking any irreversible actions."

Subsequent to the entry of the temporary restraining order, the Court directed the Special

Master to make an unannounced emergency site visit to the Lee's Summit Federal Records Center in Missouri, to ascertain whether any Indian trust records already sent there have been destroyed. The Special Master has orally reported to the Court that no such records have been destroyed there, and that the Center has a moratorium in place to prevent such destruction at this time.

The Special Master reports that Associate Deputy Secretary James Cason is working closely and cooperatively with him on all these issues, and the Court will direct the Special Master to continue to monitor closely this matter to ensure that all trust records are properly preserved and protected, as this Court ordered in 1996.

The defendants' complaint that the plaintiffs' proposed preliminary injunction order is "designed to undermine the effective operations of the Interior Department" would be laughable if it were not so sad and cynical. The Court has yet to see any "effective operations of the Interior Department" regarding these individual Indian trusts. It is therefore beyond the Court's comprehension how the defendants' operations could be undermined by virtually anything the plaintiffs could suggest. The record of this case suggests that "fixing the system" has gone so far in the wrong direction that the plaintiffs are worse off today than they were six years ago, when this case was filed, or even one year ago. Nevertheless, the Court is satisfied at this time that the Special Master can closely monitor the defendants' activities and seek further action by the Court if it is needed on an interim basis, until resolution of the pending contempt and receivership issues.

Accordingly, the plaintiffs' motion for preliminary injunction is DENIED.

SO ORDERED.

Date: \_\_\_\_\_

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Royce C. Lamberth  
United States District Judge